

Ernie Fletcher
Governor

Teresa J. Hill
Secretary



Environmental Quality Commission

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Scott R. Smith, Chair, *Lexington*
Gordon Garner, Vice-Chair, *Prospect*
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Rebecca Farris, *Lexington*
Eugene Zick, *Russellville*
Laura Knoth, *Grand Rivers*

21 May 2007

Teresa J. Hill, Secretary
Environmental and Public Protection Cabinet
Capital Plaza Tower
Frankfort, KY 40601

Secretary Hill:

The Environmental Quality Commission (EQC) held a quarterly meeting on 10 May 2007 in Hopkinsville. One of the agenda items was a discussion of proposed 401 KAR 5:201, which will repeal 401 KAR 5:200. The current regulation 401 KAR 5:200 is obsolete and no longer used. After careful review of the proposed regulation, the EQC submits the attached recommendation of adoption.

Please contact me or Jo Hargis, Executive Director of the EQC, with questions/comments. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott R. Smith".

Signed, Scott R. Smith
Chair, Environmental Quality Commission

cc: Sandy Gruzesky, Assistant Director, Division of Water
Lloyd Cress, Deputy Secretary, Environmental and Public Protection Cabinet
Kate Shanks, Policy Advisor, Environmental and Public Protection Cabinet
Cheryl Taylor, Commissioner, Department for Environmental Protection
Jo Hargis, Executive Director, Environmental Quality Commission

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**RECOMMENDATION
OF THE
KENTUCKY ENVIRONMENTAL QUALITY COMMISSION
PROPOSED ADMINISTRATIVE REGULATIONS
FROM THE DIVISION OF WATER**

Pursuant to KRS 224.01-100 through 224.04-115, the Environmental Quality Commission shall have the power, duty and authority to:

- Recommend adoption or rejection by a majority of its membership present and voting of any proposal by the Cabinet to adopt, modify or revoke any rule or regulation pertaining to the prevention, abatement and control of existing or threatened air or water pollution, disposal of waste, control of noise, or the use of air, land, or water resources, or strip mining and reclamation.
- The Commission shall tender, in writing, its recommendation of adoption or rejection. If the Cabinet adopts any matter upon the Commission's recommendation of rejection, the Secretary shall file with the Commission a statement of the reason therefore.

Therefore, on 10 May 2007 the Environmental Quality Commission voted unanimously to recommend adoption of the Kentucky Division of Water's proposed administrative regulation 401 KAR 5:201, repeal of 401 KAR 5:200.

A handwritten signature in dark ink, appearing to read "Sandy Gruzesky".

Signed

cc: Sandy Gruzesky, Assistant Director, Division of Water
Lloyd Cress, Deputy Secretary, Environmental and Public Protection Cabinet
Kate Shanks, Policy Advisor, Environmental and Public Protection Cabinet
Cheryl Taylor, Commissioner, Department for Environmental Protection
Jo Hargis, Executive Director, Environmental Quality Commission